

1 **PROVIDENCE CITY COUNCIL MEETING**

2 **August 23, 2016 5:30 PM**

3 **Providence City Office Building,**

4 **15 South Main, UT**

7 Call to Order: Mayor Calderwood

9 Roll Call of City Council Members:

10 In Attendance: Kirk Allen, John Drew, Dennis Giles, Roy Sneddon

11 Staff: Rob Stapley, Skarlet Bankhead

12 Absent:

13 Excused: Jeff Baldwin

14 Pledge of Allegiance:

16 Meeting began at 5:30 pm

18 **Executive Session:** The Providence City Council may enter into a closed session to discuss land acquisition or the sale of
19 real property Utah Code 52-4-205(1) (d) and (e)

21 **Motion made that council enter into a closed session to discuss land acquisition and pending litigation.**

23 **Motion to enter into an executive session –K Allen, second-R Sneddon**

24 **Vote**

25 **Yea:** Kirk Allen, John Drew, Dennis Giles, Roy Sneddon

26 **Nay:** None

27 **Abstained:** None

28 **Excused:** J Baldwin

30 **Meeting reconvened by Mayor Calderwood at 6:15 p.m.**

32 **Request by R James to address Business Item No.1: Request for Proposal that the Planning Commission**
33 **submitted to City Council.**

35 Robert James – In response to comments made that this is the Planning Commission's responsibility to complete, I would
36 like to comment on why the request for proposal for assistance in preparation of comprehensive amendments to the
37 City's General Plan was submitted to City Council. Portions of the City's General Plan have not been updated since 2000
38 when the general plan was first completed. In taking into account that several of the current members of the Planning
39 Commission have been in their position for only three or four months and most have very little training in land use and
40 water rights, we would like the opportunity to send a proposal out to see what comes back. It is my firm belief that a
41 request for assistance is not an abdication of responsibilities but an effort to gain expertise knowledge. The intent of the
42 Planning Commission is not to simply turn this over to a foreign entity to complete but to have that entity lead us
43 through the discussion, and in that process bring to light the expertise required to complete a general plan. The city
44 plan needs to be aligned with Cache County, the State of Utah and the citizens of Providence. This is lacking right now
45 with a 16 year old plan.

46 Comments and discussion

- 47 • K Allen agreed and added that with all the changes taking place in growth, new businesses, new high schools,
48 new roads and impacts to traffic, we need to have a plan that interfaces with other cities, the State and Cache
49 County . It is almost impossible to dedicate all the time needed to complete a general plan in addition to all the
50 other duties of the Planning Commission. I think this is a good idea and I support you.
- 51 • R Sneddon added that the vision of Cache County and the vision of the State of Utah suggest that the average
52 lot size is reduced and this is a concern for him. A clear vision for the city of Providence is critical.
- 53 • No other comments were made.

Approval of the minutes Item No. 1. The Providence City Council will consider approval of the minutes of August 9, 2016 City Council meeting.

Corrections

Pg. 2, line 11 – correct typo from bee to been

Pg. 2, line 11 – add is

Pg. 2, Line 26 -change predict to protect, remove conclusively

Pg. 3, line 6 -change from evolved to involved.

Pg. 3, line 14 -change to who is responsible for sign placement in that area.

Pg. 3, line 22 – remove comments on kids being able to change irrigation water.

Motion to approve minutes of August 9, 2016 City Council Meeting: K Allen, seconded: J Drew

Vote:

Yea: Kirk Allen, John Drew, Dennis Giles, Roy Sneddon

Nay: None

Abstained: None

Excused: Jeff Baldwin

Public Comments: Citizens may appear before the City Council to express their views on issues within the City's jurisdiction. Comments will be addressed to the Council. Remarks are limited to 3 minutes per person. The total time allotted to public comment is 15 minutes. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

- Jan Arnell commented that she felt very sad about what she felt was disregard for public opinion. When a public hearing is requested and we attend, please listen when we do provide our opinion. As our public servants, please take better note of what the public wants and when you do make a presentation be forthright and honest so the public is not led astray. When we do come to the meeting please listen to us. The majority was against the funding to remodel the new building, it was disregarded. I find that very disturbing since this was a huge issue.
- No other comments from the public were made.

Public comments session closed.

Business Items:

Item No. 1. Request for Proposal: The Providence City Council will consider a request from the Planning Commission to advertise a request for proposal for assistance in preparation of comprehensive amendments to the City's General Plan.

Motion to consider request for proposal from the Planning Commission to advertise for assistance in preparation of comprehensive amendments to the General Plan. -K Allen, seconded-J Drew.

Vote:

Yea: Kirk Allen, John Drew, Dennis Giles, Roy Sneddon

Nay: None

Abstained: None

Excused: J Baldwin

Discussion

- J Drew asked if September 2 provided enough time.
- S Bankhead responded that the date may change. The actual date would be ten days after publishing.
- J Drew requested to include "portions of the plans have been amended" to the proposal.
- J Drew commented that having never gone through the entire process of developing a city plan, the city staff, City Council and Planning Commission do not have institutional knowledge of the process. Another aspect is public involvement in another aspect that is absolutely essential to include. State code implies that this is (the city plan) a product of the community. The Planning Commission is then responsible for pulling these elements together, including polling residences of Providence and addressing any state codes issues. Once this is completed and assembled, the Planning Commission presents a package to the city council.

J Drew commented that he thought we would still be struggling to get through this process a year from now without assistance. We would like a city plan that endures over time so as we revisit the plan every year there is a minimal amount of work required to update it and in going forward our jobs and city staff's jobs are easier. The results produced need to provide a solid framework. We can simply put something together but if we really want to get it right hiring a professional will provide the guidance necessary to produce quality results.

- K Allen commented that he thought this was a critical aspect. He has seen many plans completed by committees that do not produce the desired results. He agrees that a solid general plan that can be maintained and updated as needed is essential.
- J Drew commented that a great deal of thought and effort needs to go into this. After conversations with people in other cities, it becomes clear how crucial it is to have a plan that presents a clear and concise picture to developers who come into the city. It is absolutely essential and critical that we have a vision of where as a city we want to be. We need something that endures and the city staff needs a plan that has continuity during times of change.
- Kathleen Alder commented that she does not see a section on commercial development which she felt was a critical element to include in the general plan.
- S Bankhead responded that this will be in the economic development plan which is usually separate from the general plan. The economic development plan provides specific business information and addresses what types of businesses the city wants to attract and our roadmap for doing that. It also provides information about demographics and other information for businesses that are considering moving to Providence.
- No other comments.

Motion to approve request from the Planning Commission to advertise a request for a proposal for assistance in preparation of comprehensive amendments to the City's General Plan -K Allen, seconded-J Drew.

- **Vote:**
- **Yea:** Kirk Allen, John Drew, Dennis Giles, Roy Sneddon
- **Nay:** None
- **Abstained:** None
- **Excused:** J Baldwin

Item No. 2. Code Amendment Ordinance 2016-020: The Providence City Council will consider for adoption an ordinance amending Providence City Code Title 5 Chapter 9 Off-Highway Vehicles including but not limited to the following: amending the definition of adult supervision, amending paragraph 5-9-3:B.2. Supervision for operators under the age of 16 and prohibiting snowmobiles from operating in the city right-of-way.

- S Bankhead commented that Councilman J Baldwin made a request to make Item No. 2 a discussion item only. He is not able to be here tonight due to unforeseeable circumstances and he would like to participate in the decision process on this item at the next meeting.

Motion to make Item No. 2, code amendment to Ordinance 2016-19 a discussion item only. - J Drew, Second: Dennis Giles.

- Vote:**
- Yea:** Kirk Allen, John Drew, Dennis Giles, R Sneddon
 - Nay:** None
 - Abstained:** None
 - Excused:** J Baldwin

Public Comment

- Brian Cox commented the he rejects the changes proposed on snowmobiles. I see this as just another layer of rules and regulations that city council is trying to imposition against the residents. There seems to be a small group pushing this to exercise control. I think the overall general public is against it. If someone has a snowmobile that is illegal or too loud enforce the law. Follow state code should be all that is required. We had only had four mornings in which there was snow on the street.
- K Allen asked if he thought that snowmobiles should be allowed on any road of Providence.
- Brian Cox responded that he did.
- Dwight Cook commented that he is also against limiting snowmobiles on the street. He loves the small town

1 atmosphere he moved to and hopes it stays that way. As a sidebar, I think the city has its priorities mixed up
2 when a decision on a million dollar purchase apparently takes less time to decide than changing the law on
3 snowmobiles.

- 4 • Val Simmons commented that he does not see any reason for changing the ordinance and would like to know
5 why this is being considered. He wanted to know if this is really more of an issue with noise in the canyon and
6 one person complaining. Is the noise exceeding the threshold? Do we have a problem with accidents? Does the
7 sheriff department have problems with snowmobiles? What has happened that has changed to necessitate
8 changing the ordinances?
- 9 • K Allen responded that when City Council reviewed the ordinance for Off-Road Vehicles, snowmobiles were
10 included in that discussion.
- 11 • Val Simmons commented that he does not see a need for changing the rules because there are very few days
12 when snowmobiles can go on the roads so it is not a safety issue. The problem with the canyon is that, unless
13 you want to keep it plowed and sanded to the parking lot, you can't get up there. There are other times when
14 the parking lot is so full you can't park a truck with a trailer in there so you park down the road and drive up.
- 15 • R Sneddon asked Rob Stapley if snowmobiles cause any damage to the road when driven on dry pavement.
- 16 • Rob Stapley identified that if a snowmobile is driven on a road without snow it is far more damaging to the
17 snowmobile than the street.
- 18 • Stan Checketts commented that he did have concerns, but he is more concerned about over-regulating. At this
19 point, it is not enough of a problem to warrant making new rules. If the parking lot is full, the parking lot is full.
20 It has reached its limit and others should not be allowed into the area.
- 21 • Mayor asked about how many snowmobiles the parking lot holds.
- 22 • Stan responded that there are approximately 80 to 100 snowmobiles and that is enough to have in the canyon.
- 23 • Todd Hendricks commented that he did not own a snowmobile but he does not see why you would not allow
24 snowmobiles on the road. It is only a few times a year. If you are worried about young kids tearing through the
25 highlands – there are laws about that. As far as snowmobiles It's a free country as long as no one is hurting
26 anybody and no one is hurting the roads, then people are recreating and in fact what Stan mentioned would
27 obviously help too so there are not too many people parking in places where it impedes other people. If
28 anything, we are doing people a favor by allowing other people to drive on roads. Brian and other people
29 helping out the mailman and other people. What is the harm? I say don't change the ordinances.
- 30 • Paula Anderson commented that she is most concerned about the reasons involved in changing the ordinances.
31 It seems like one person rules this town and I tired of it. I think it is usually only one person making complains
32 and one person should not always get her way.
- 33 • Kathleen Alder commented that although she does not own an off-road vehicle she would like to see more
34 information on scope of the problems. What are the statistics? How may laws have been broken? How many
35 complaints have been made? She does not support changing laws and imposing more regulations unless it is
36 justified.
- 37 • K Allen commented that he does not feel that citizens are aware of the dangers that exist. We considered
38 ticketing but it needs to be more than that. Access to the canyon is a problem and the noise is also an issue.
- 39 • Todd Hendricks commented that he supported consideration for review because children were killed. I would
40 like to see the statistics and where the idea to change the law came from.
- 41 • Mayor commented that this has been a good discussion and people are invited come to the next meeting with
42 their videos and pictures to present.
- 43 • J Drew wanted to ask council members if they felt that the vast majority of the snowmobilers ride safely, obey
44 the law and ordinances and are considerate of their neighbors.
- 45 • Mayor and all council members replied yes.

46
47 **Motion to table Code Amendment Ordinance 2016-020 - R Sneddon, second K Allen.**

48 **Vote: Yea: Kirk Allen, John Drew, Dennis Giles, R Sneddon**
49 **Nay: None**
50 **Abstained: None**
51 **Excused: J Baldwin**
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53

54 **Item No. 3. Discussion:** The Providence City Council will discuss wording on agendas.

1 Discussion:

- 2 • J Drew commented that what he would like to see is that agenda items be clear enough so that members
3 of the public are aware of the specific issue at hand for discussion. An example being the July 26 agenda:
4 "The city council will consider for amendment ordinance Title 5, Chapter 9 – Off Road Vehicles. This is a
5 five page ordinance but what was going to be discussed and voted on was not specifically identified on
6 the agenda and the public did not have a clue. I would suggest that we add another sentence or phase
7 such as the topic or issue to be discussed. In this example it was adult supervision or ATV's so the public is
8 aware of the topic that is going to be discussed. I want to be able to quickly access what is being
9 addressed.
- 10 • K Allen agreed.
- 11 • R Sneddon commented that more specifics would be helpful.
- 12 • No other comments.

13
14 **Item No. 4. Discussion – proposed code amendment:** The Providence City Council will discuss a proposed code
15 amendment to Providence City Code Title 8 Chapter 1 Section 21 Water Availability Requirement by adding a
16 "restricted/no culinary water use" area.

17 Discussion

- 18 • Stan Checketts commented that he wanted to take a few minutes to provide an overview. On this particular
19 subdivision I should not have to use the city water if it is not conducive. There is no value to giving the water
20 back to Providence City for this subdivision because he does not believe that people are going to plant or need
21 to water in that area. Normally when you propose a subdivision you give up the water rights in the area. Again
22 it is of no value to do this. It would be better that I retain it and use it for future subdivision development. I
23 have an idea that I would like to propose as an alternative. On the deer fence road, there are large lots. You
24 must give up so much water per acre per lot. It was suggested by the staff that we give up the Providence City
25 water and I think that's wrong. It is of no value to give the water back.
- 26 • S Bankhead commented that Stan's water has been changed to municipal use but it has not been conveyed to
27 the city yet.
- 28 • Stan proposed that if someone wants to use water he would approve it for them. He has allotted 100 acres but
29 in the future we keep the water in certain areas to allot it later for further development. I am very fair and open
30 and he would sign the building permits needed to provide those individual's water if someone requests it. He
31 would be willing to add the options to the building permits if that is the buyer does want water rights he will
32 allow them those rights on a per lot bases. It would be a waste of water otherwise.
- 33 • S Bankhead commented making an exception is difficult because of the location. If it is worth an exception
34 then it is worth changing the rule. I do not support an exception, I support changing the rule. The proposal
35 results in each lot owner having conditional use. It is better to either allow all of them water rights or not allow
36 anyone water rights.
- 37 • K Allen commented about using land covenants.
- 38 • J Drew commented that it seems it would add to the complexity of managing the area. How would we address
39 other developers and what they might want to do with the area?
- 40 • Rob Stapley commented about where the APSI lines were located. The only red flag he saw was in the red zone
41 area which is a wild fire area. If the city is considering placing water restrictions in a wild fire area, there are
42 some concerns.
- 43 • J Drew commented that with natural runoff and erosion, completely prohibiting water could be problematic.
- 44 • Robb commented that he does not see any problems with Stan's exception, but policing water restriction may
45 be difficult.
- 46 • Stan commented that he wanted everyone to be clear and understand that he does have available water to
47 provide if someone wants that option. For those that might violate the covenants agreed to, it will be reported.
48 He has the water if there is an exception for someone in that area. It can be accommodated.
- 49 • S Bankhead commented that she does need some direction on this.
- 50 • Dennis Giles commented that he would want to pursue a revision to the ordinance.
- 51 • R Sneddon also commented that he agreed with pursuing a change.
- 52 • K Allen commented that we should explore revision to the ordinance.

53
54 **Motion to pursue revising city code and review with an attorney – D Giles, seconded R Sneddon.**

1 **Vote:** **Yea:** Kirk Allen, John Drew, Dennis Giles, R Sneddon
2 **Nay:** None
3 **Abstained:** None
4 **Excused:** J Baldwin
5

6 **Staff Reports:** Items presented by Providence City Staff will be presented as information only.
7

8 Rob Stapley provided status and reviewed updates on the current projects in process in the Public Works
9 Department Staff Report for the Council. The update report was included as an attachment to the Council City
10 Meeting Agenda.

- 11 • Fuhrman Drive is close to completion. Notice went out to residents that they would be allowed a discount on
12 their bill if they watered the new sod and kept it green.
- 13 • 4th South is progressing.
- 14 • Canyon Road is difficult to close but we will look at improving communication.
- 15

16 S Bankhead also provided additional updates following is a brief overview.

- 17 • Skyline Engineering has closed. Max Pierce is now working independently and we are very happy with Max.
- 18 • Reminder to everyone that Octoberfest is schedule for the 8th of October.

19 Mayor Calderwood

- 20 • Reported that the county received a "serious" on air quality rating on EPA as a result of vehicle standards. The
21 entire Wasatch front is receiving the same air quality ratings.
- 22

23 **Council Reports:** Items presented by the City Council members will be presented as informational only; no formal action
24 will be taken. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City
25 Council determines that an emergency exists.
26

27 **Motion to adjourn City Council meeting of August 23, 2016.-J Drew, seconded by D Giles.**

28 **Vote:**

29 **Yea:** Kirk Allen, John Drew, Dennis Giles, Roy Sneddon
30 **Nay:** None
31 **Abstained:** None
32 **Excused:** Jeff Baldwin
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34 Meeting adjourned at 8:32 pm.

35 Minutes recorded and prepared by K. Merrill.
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45 A handwritten signature in blue ink, appearing to read "Don W. Calderwood".

46 Don W. Calderwood, Mayor
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A handwritten signature in blue ink, appearing to read "Skarlet Bankhead".
Skarlet Bankhead, City Recorder